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INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

# RES IPSA LOQUITUR

Newsletter of



the Law Library

Volume 4, Number 2

Indiana University  
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October 1993

## FINDING PERIODICAL ARTICLES ON LEXIS AND WESTLAW

by Keith Buckley

**W**ith two new law journals and nearly twenty percent of the student body involved with one of the three journals published by the I.U. School of Law, there is an incredible demand now for efficient and effective legal periodical research. In this, the first of three articles on periodical searching, I would like to review various ways in which you should consider using LEXIS and WESTLAW as adjuncts to traditional periodical index research.

Over the last few years, the reference staff has discovered that law students will often turn to the full-text law journal files on both LEXIS and WESTLAW and assume they've performed an exhaustive search of all available scholarly literature. This is, unfortunately, not the case. A vast majority of the periodicals listed on LEXIS and WESTLAW only date back to 1985. To make matters worse, LEXIS and WESTLAW only contain articles by authors who've specifically signed copyright release forms allowing their articles to be loaded on the two systems. A significant number of lead article authors are not signing release forms, and these articles will therefore be missed when researchers only search the full-text files.

If you wish to perform the most exhaustive literature search possible, you should investigate the Legal Resource Index files on both LEXIS and WESTLAW. Legal Resource Index is the on-line version of the CD-ROM index, LegalTrac, and like LegalTrac, this file covers both the law journals and the legal newspapers published since 1980. Unlike LegalTrac, however, the Legal Resource Index does not limit you to subject

headings, author searches and the names of cases. You can also access journal articles by title, journal name, date of publication and even geographical area, if that is one of your particular emphasis. When you add the standard compliment of LEXIS/WESTLAW search commands ("and," "or," "within same sentence," etc.) to these enhanced search features, you have an incredibly powerful research tool at your disposal.

If you're a LEXIS/NEXIS user, you'll find the Legal Resource Index listed in the "LAWREV" Library. You then need to select the "LGLIND" file to begin your searching. When you're using LEXIS, remember that NEXIS also contains the full text of many of the legal newspapers. If you prefer to use WESTLAW, Legal Resource Index's database identifier is "LRI." A new feature just announced by WESTLAW makes the LRI database a particularly attractive option-- you will now be able to jump directly from the index listing into the full text of the article in the periodicals database if that article appears on WESTLAW.

As always, if you encounter any difficulties while searching for journal articles, whether you're using print

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sources, the CD-ROM indexes, or LEXIS/WESTLAW, please feel free to contact a reference librarian.

### IMPORTANT NEWSFLASH!

LEXIS recently agreed to add a laser printer to the Law Library's Permanent Learning Center, and the printer should be installed sometime early this month. LEXIS users will now have access to the same kind of high quality hardcopy available from the WESTLAW laser printer. Recent literature on LEXIS' laser printers reports that users will also have the option of printing case reports in the familiar, two column format.

### BOOK OF THE MONTH

Wills, Garry. Lincoln at Gettysburg: the Words that Remade America. New York: Simon & Schuster, 1992. E475.55.W54 1992

"Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal."

The Gettysburg Address is probably the most famous speech in American history. As a result, this book may be viewed as superfluous reading. However, the opportunity to discover new meanings to the words that Lincoln used make this book a must-read item for anyone interested in Lincoln, the Civil War, or American history. Once you finish the book you will never think of the Gettysburg Address in the same manner.

In the prologue, Wills sets the stage. He briefly discusses the battle at Gettysburg. After it was over, there was an organized attempt to provide for a proper burial of the soldiers killed and to recognize their sacrifice. In the dedication ceremony for the newly-established cemetery held on November 19, 1863 (less than five months after the battle), the major address was a two hour oration delivered by Edward Everett. President Lincoln was invited to deliver "a few appropriate remarks." Lincoln took approximately three minutes to deliver the 272 words that made up his "appropriate remarks." In those words, according to Wills, Lincoln "disinfected the air of Gettysburg... He lifts the battle to a level of abstraction that purges it of grosser matter... The discussion is driven back and back, beyond the historical particulars, to great ideals

that are made to grapple naked in an airy battle of the mind... Lincoln is here not only to sweeten the air of Gettysburg, but to clear the infected atmosphere of American history itself, tainted with official sins and inherited guilt... Lincoln...revolutionized the [American] Revolution, giving people a new past to live with that would change their future indefinitely." (pg. 37-38) Wills concludes the prologue by stating that "In order to penetrate the mystery of his 'refounding' act, we must study all the elements of that stunning verbal coup. Without Lincoln's knowing it himself, all his prior literary, intellectual, and political labors had prepared him for the intellectual revolution contained in those fateful 272 words." (pg. 40)

In subsequent chapters, Wills examines the influence of the Greek Revival which occurred in America in the early part of the 19th century. He also analyzes the "culture of death" and the rural cemetery movement (i.e. having cemeteries located outside of the cities--at the time a novel idea). Wills discusses Lincoln's ability to evade comment and be indirect on certain topics (particularly on slavery). Wills points out that the Gettysburg Address is brief "because it is silent on so much that one would expect to hear about." (pg. 90) It does not mention Gettysburg, slavery, or the Union. He points out that "the 'great task' mentioned in the Address is not emancipation but the preservation of self-government." (pg. 90) After discussion of this ability of Lincoln's and the historical context in which it occurred, Wills examines the revolution in political thought and style that occurred in the Gettysburg Address. He asserts that "It is no [great] exaggeration to say that all modern political prose descends from the Gettysburg Address." (pg. 148) Finally, he points out that in spite of all that Lincoln put into the Gettysburg Address, in order to understand Lincoln's political philosophy, the Gettysburg Address "must be supplemented with his other most significant address, the Second Inaugural, where *sin* is added to the picture." (pg. 177)

Lincoln at Gettysburg is not a book that reads quickly. I found that after reading each chapter, it was necessary for me to set the book aside for a few days in order to sort through the different concepts. The ideas that Wills puts forth are challenging and thought provoking, and I highly recommend the book.

Michael Maben,  
Cataloging Librarian

## A "THANK YOU" TO THE WEST EUROPEAN STUDIES PROGRAM

Each year the Law Library receives a small sum of money from the West European Studies Program for the purchase of materials dealing with European law. In acknowledgement of this welcome support, this month's column lists all the titles purchased during the previous year with money from this fund, together with their library call numbers.

Company Law In Europe (London: Butterworths, 1992-) (KJC2488 .C65)

The Dynamics of European Integration (London: Royal Institute of International Affairs, 1990) (HC240 .D96)

Frontiers of Environmental Law (London: Chancery Law Pub., 1991) (KJE6242 .F7)

EEC Directives on Company Law and Financial Markets (Oxford: Clarendon Press, 1991) (KJE2488 .A42)

European Company Laws: A Comparative Approach (Aldershot: Dartmouth, 1991) (KJC2455 .E97)

European Community Law in the United Kingdom, 4th ed. (London: Butterworths, 1990) (KD4015 .C64)

European Product Liability (London: Butterworths, 1991) (KJC1687 .E974)

Joint Ventures in Europe: A Collaborative Study of Law and Practice (London: Butterworths, 1991) (KJC2446 .J66)

Training Lawyers in the European Community (London: The Law Society, 1990) (KJC89 .T73)

The Wider Western Europe: Re-shaping the EC/EFTA Relationship (London: Royal Institute of International Affairs, 1991) (HF1532.935 .E87)

European Community Law: From Common Market to European Union (London: Graham & Trotman, 1992) (KJE947 .M465)

Homosexuality, a European Community Issue (Dordrecht: Martinus Nijhoff Publishers, 1993) (KJE5144.G39 H66)

Euromoney (London: Euromoney Publications, 1993-) (Periodicals)

These titles, together with those purchased in past years, have added greatly to the depth of the Library's collection in western European law. They also permit us to support the research both of law students and others throughout the University who are interested in the developing law of western Europe. Therefore I would like to thank West European Studies publicly for their continuing support of our collection.

Ralph Gaebler,  
Foreign & International Librarian



## JURIST IN RESIDENCE A KEY COURTROOM TACTICIAN IN THE CIVIL RIGHTS MOVEMENT



Judge Constance Baker Motley will be visiting the Indiana University School of Law as Jurist in Residence from October 5th through 7th. We are fortunate to have the opportunity to host such a distinguished guest.

When President Lyndon Johnson appointed Ms. Motley to the United States District Court in 1966, she became the first African-American woman to be a federal judge. One of the courtroom tacticians of the civil rights movement, she worked for twenty years with the NAACP Legal Defense Fund, many of those years with Thurgood Marshall. She was the only woman elected to the New York Senate in 1964, and has been the only woman Manhattan borough president (1965-66). Beginning in 1982, she served four years as Chief Judge of the Southern District of New York, and in 1986 she assumed senior judge status.

Ms. Motley joined the legal staff of the NAACP Legal Defense and Educational Fund, Inc. during her final year at Columbia University School of Law and subsequently, as associate counsel, became its principle trial attorney. She was one of the lawyers who helped write the briefs filed in the U.S. Supreme Court in the leading school desegregation case *Brown v. Board of Education*. In addition to appearing before state and federal courts throughout the nation in numerous civil rights matters, she argued ten cases before the U.S. Supreme Court, winning nine, which were of key importance in securing equal rights for black Americans and bringing about the



legal death of discrimination. The litigation which resulted in the admission of James Meredith to the University of Mississippi was one of these cases. She also participated in all the other major school desegregation cases supported by the Legal Defense Fund, as well as cases in the fields of housing, transportation, recreation, and public accommodations.

On her election to the State Senate in 1964, she became the first black woman to serve in that branch of the Legislature. She immediately began a campaign for the extension of civil rights legislation and for additional low and middle income housing.

She was elected by the Manhattan members of the New York City Council to fill a one-year vacancy in the office of President of the Borough of Manhattan in February, 1965 and thus became the first woman to serve in that office and as a member of New York City's Board of Estimate. She was elected to a full four-year term in November, 1965 garnering the support of the Republican, Democratic, and Liberal Parties. As borough president, she drew up a seven-point program for the revitalization of Harlem and East Harlem, and won a pioneering fight for \$700,000 to plan for those and other underprivileged areas of the city.

Since her appointment to the Federal judiciary in 1966 Judge Motley has issued many noteworthy rulings including the following decisions:

1982: In a case in which Warner Bros. complained of copyright infringement by ABC's show "The Greatest

American Hero," Judge Motley ruled that there were no copyright conflicts on the basis of physical appearance and that the series lifted only ideas from the "Superman" works.

1982: Six Croatian nationalists were sentenced to prison terms of 20-40 years on murder, extortion and arson charges; Judge Motley called the defendants "political terrorists."

1984: High Technology Capital Corp. was permanently enjoined from violating registration and reporting provisions of federal securities law. High Technology was ordered to file an investment company registration statement with the SEC.

1987: Judge Motley ruled that, absent exceptional circumstances, in order to detain New York City's arrest suspects for more than 24 hours there must be a court determination of probable cause for their arrest. Caesar Cirigliano, head of the Legal Aid Society's criminal defense division, which brought the class action, hailed the decision as "the most important decision in the areas of defendants' rights in the last ten years".

1991: Photocopying stores which copy and sell excerpts of textbooks for inclusion in anthologies were judged liable to textbook publishers for copyright infringement. Judge Motley rejected claims that the photocopying was authorized under copyright law because it was for educational purposes — *Basic Books, Inc. v. Kinko's Graphics Corp.*, 758 F. Supp. 1522 (S.D.N.Y. 1991).

### *The Suggestion Box*

(Each month in this space Associate Director Linda Fariss replies to suggestions received by the Library)

**Suggestion:** Could you please acquire at least one Macintosh computer and printer? They're really cheap now!

**Response:** When we opened the new computer lab last year, University Computing Services promised us one Mac computer. We are still supposed to receive that computer. The hold up is a printer. As soon as we get a printer, the Mac will be installed. We are not sure when that will be, but hopefully it will arrive sometime this semester. We will keep you informed as we know more about it. Thanks for the suggestion.

**Suggestion:** Newspapers & magazines. Please prevent the newspapers and magazines from being removed from lounge area - how about a sign?

**Response:** I agree that newspapers and magazines should be read in the lounge area. There is generally sufficient seating. However, if the lounge area is too crowded and it is necessary to take a magazine or newspaper to another part of the Library to read, please return it to the appropriate rack before leaving the Library. Do not leave it on a table or carrel because it will take the Library staff some time to find it and put it back. This is simple courtesy to your fellow students. We will consider a sign for the future although our experience is that people frequently ignore signs. Thanks for your suggestion.

Constance Baker Motley was one of seventy-five African-American women selected to be included in a creative project entitled *I Dream A World: Portraits of Black Women Who Changed America*, recently on display at the Indianapolis Museum of Art. This photographic exhibit documents the courage, creativity, and inner strength of these women. Throughout the month of October the Law Library will highlight Judge

Motley's career in a display housed in the glass cases adjacent to the Library.

We are honored to have Judge Constance Baker Motley as Jurist in Residence at I.U. Law.

Marianne Mason,  
Documents Librarian

## BATTER UP!

It's that time of year again when baseball fans everywhere turn their heads towards the Major League playoffs. Notwithstanding all you Cub fans who are understandably indifferent to post-season play, the following quiz combines your knowledge of baseball with, of all things, The Law. Match the following baseball terms with their definitions -- as found in Black's Law Dictionary (6th ed. 1990). (This isn't a joke!)

- |                        |  |
|------------------------|--|
| 1. Base Line <i>d</i>  | <del>a.</del> land recovered from the sea by draining and banking                |
| 2. Bench <i>h</i>      | <del>b.</del> one who is in charge of a corporation and control of its business  |
| 3. Bull Pen <i>m</i>   | <del>c.</del> police identification procedure                                    |
| 4. Error <i>j</i>      | <del>d.</del> reference used in government surveying to establish township lines |
| 5. Home <i>f</i>       | <del>e.</del> dismiss a cause of action  |
| 6. Innings <i>a</i>    | <del>f.</del> one's own dwelling place   |
| 7. Lineup <i>c</i>     | <del>g.</del> purposeful stoppage of work by employees                           |
| 8. Manager <i>b</i>    | <del>h.</del> the seat occupied by judges  |
| 9. Relief <i>i</i>     | <del>i.</del> list of persons able to perform certain duties                     |
| 10. Roster <i>l</i>    | <del>j.</del> mistaken judgment as to the existence of matters of fact           |
| 11. Run <i>n</i>       | <del>k.</del> third party selected to arbitrate labor disputes                   |
| 12. Strike <i>g</i>    | <del>l.</del> public or private assistance granted to indigent persons           |
| 13. Throw Out <i>e</i> | <del>m.</del> a place of close confinement at a penitentiary                     |
| 14. Umpire <i>k</i>    | <del>n.</del> a widespread and sudden withdrawal of deposits from a bank         |

Answers: 1.d; 2.h; 3.m; 4.j; 5.f; 6.a; 7.c; 8.b; 9.l;  
10.i; 11.n; 12.g; 13.e; 14.k

Nonie Watt,  
Head of Technical Services

## NEW & NOTEWORTHY: Chasing the Past to Catch the Future



Friedman, Lawrence M. Crime and Punishment in American History. New York: Basic Books, 1993. [KF 9223 .F75 1993]

Histories of American crime have been published for decades. Books, ranging from sensational accounts of individual crimes and criminals to sociological tomes documenting the patterns and tendencies of a society gone awry, crowd the shelves of libraries, offices, and

home studies. Enter Lawrence M. Friedman's Crime and Punishment in American History.

Friedman, Marion Rice Kirkwood Professor of Law at Stanford University, has written a history specifically aimed at attempting to understand crime in America today and tomorrow. In his introduction Friedman writes:

Serious crime has skyrocketed in the second half of the twentieth century. We seem to be in the midst of a horrendous crime storm - a hurricane of crime. The homicide rate in American cities is simply appalling . . . Why is this happening to us?

A history of criminal justice can, I think, help illuminate this question. It can tell us where we were, and why; and more or less where we are going. At least it can try. History does not give us *answers*; but it does sometime dispel myths, and it can be like a flashlight shining in dark and deserted corners. Hence I felt the story needs to be told.

Chronologically arranged in three sections, Friedman hypothesizes that crime and justice in America have evolved correspondingly to the development of America's character over the past three hundred years. Thus the puritan ethics of the colonial period generated a system that associated crime with sin; and "sinners were to be punished and brought back into the fold." As America's geographic and ethnic boundaries began to grow in the 19th century, its criminal justice system began to expand and develop its own distinctive style. Of the 20th century, Friedman writes:

Crimes of mobility merged, then, into another

form of crime, which we call crimes of the self. These are the crimes that rest, in some way, on the exaggerated individualism of 20th century Americans, which has been called expressive individualism. It is the notion that one's main task in life is to forge a separate, unique self; to develop one's potentialities. It is the idea that we pass this way only once, must make the best of it, and must make the trip, each of us, our own special way.

Friedman leads the reader on a journey through time documenting his travels with court records and newspaper accounts of this evolutionary process. While Friedman's wit and occasional anecdotal style may be frowned upon by some, his clear passion for the subject and extensive notes, index, and concluding bibliographical essay should satisfy both the scholar and the armchair criminologist.

Richard Vaughan,  
Acquisitions & Serials Control Librarian

## WORKING THE HALLS

Congratulations to Ann Likes, who recently celebrated her 10th anniversary as an employee of Indiana University. Ann has spent the entire ten years working in the Law Library, first as the Bindery and Preservation Clerk, and then as the Serials Cataloging Technician. We are grateful to Ann for her many contributions to the Law School.

### Welcome to New Law School Staff:

Jennifer Underwood is the new Admissions Assistant;

Anita Barnes will be providing secretarial support for the Capital Campaign, and the two new journals.

Congratulations to Kim Bunge, who this month begins her new position as Assistant to the Business Manager. Previously, Kim was the Law School Computer Support Technician.

### New Faculty Publications:

Craig Bradley. *The Failure of the Criminal Procedure Revolution*. University of Pennsylvania Press, 1993.

Kevin Brown. *A Reply to Cummings: Are the Racial Realists Forced to Embrace the Legal Rationale of the Liberal and Integrationist Structures?* 20 Hastings Constitutional Law Quarterly 783 (1993).

Dan Conkle. *Lemon Lives*, 43 Case Western Law Review 865 (1993).

### Happy October Birthday to:

Rachel Myers on the 3rd floor on October 2nd;  
Earl Singleton in the Community Legal Clinic on the 5th;  
Professor Bill Oliver on the 6th;  
Professor Bob Heidt on the 10th;  
Professor Ken Dau-Schmidt on the 12th;  
Professor Kevin Brown on the 13th;  
Krystie Herndon on the 2nd floor on the 15th;  
Pam Kriete in Career Services on the 20th;  
Professor Bruce Markell on the 24th;  
Professor Bill Hicks on the 26th; and  
Professor Bill Popkin on the 28th.

Hope you all have a great day!!!